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FAX TRANSMISSION

DATE: *March 19, 2007*PTO IDENTIFIER: Application Number 10/736,188
Patent Number

Inventor: Bowdish et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: FISH & NEAVE IP GROUP, ROPES & GRAY LLP

Jennifer K. Holmes

PHONE: (617) 951-7933

Attorney Dkt. #: ALEX-P03-060

PAGES (Including Cover Sheet): 13

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Charge \$130.00 to deposit account no. 18-1945

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One International Place, Boston, Massachusetts 02110-2624
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PTO/SB/97 (09-04)

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U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/736,188

Attorney Docket No.: ALEX-P03-060

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on 3/19/2007
Date

Allison M. Deverman Viator
Signature

Allison M. Deverman Viator
Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 951-7000
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)
Consent of Assignee (1 page)
Supplemental Declaration for Patent Application (4 pages)
Assignment (2 pages)
Statement of Anke Kretz-Rommel (1 page)

MAR 19 2007

PTO/SB/17 (07-06)

Approved for use through 01/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known Application Number 10/736,188 Filing Date December 15, 2003 First Named Inventor Katherine S. Bowdish Examiner Name B. Duffy Art Unit 1643 Attorney Docket No. ALEX-P03-060	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)	130.00	

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 18-1945 Deposit Account Name: Fish & Neave IP Group, Ropes & Gray LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
							Small Entity Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
- 20 =		x	=		Fee (\$)		Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 =		x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 =	/50	(round up to a whole number) x	=				
4. OTHER FEE(S)							
Other (e.g., late filing surcharge):							Fees Paid (\$)
Petition Fee							130.00

SUBMITTED BY			
Signature	<i>Jennifer K. Holmes</i>	Registration No. (Attorney/Agent)	46,778
Name (Print/Type)	Jennifer K. Holmes	Telephone	(617) 951-7933
		Date	March 19, 2007

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.	
Dated: 3/19/2007	Signature: <i>Allison M. Deverman</i> (Allison M. Deverman Victor)

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: 3/19/2007 Signature: Allison M. Deverman Victor
(Allison M. Deverman Victor)

Docket No.: ALEX-P03-060
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bowdish et al.

Application No.: 10/736,188

Confirmation No.: 4387

Filed: December 15, 2003

Art Unit: 1643

For: POLYPEPTIDES AND ANTIBODIES
DERIVED FROM CHRONIC LYMPHOCYTIC
CELLS AND USES THEREOF

Examiner: B. Duffy

PETITION UNDER 37 C.F.R. 1.48(a) TO CORRECT INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Inventors Katherine S. Bowdish and John McWhirter hereby petition the Commissioner to amend the above-identified application by adding the name of Anke Kretz-Rommel as co-inventor.

REMARKS

This petition is submitted in accordance with 37 C.F.R. 1.48(a) to convert the above-identified application from an application of Katherine S. Bowdish and John McWhirter to an application of Katherine S. Bowdish, John McWhirter and Anke Kretz-Rommel. These three individuals are the actual inventors of the invention described and presently claimed in the application.

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ATTACHMENTS

Accompanying this petition are

(a) a statement by the added inventor, Anke Kretz-Rommel, establishing that the error occurred without deceptive intent,

(b) A statement of consent by the Assignee to the change of inventorship hereby petitioned,

(c) a declaration/oath of inventorship executed by Anke Kretz-Rommel as required by 37 C.F.R. 1.63, and


(d) a copy of the assignment from the added inventor Anke Kretz-Rommel (to be submitted for recordation separately).

FEE PAYMENT (37 CFR 1.17(i))

Applicants request that the processing fee in the amount of \$130.00 be charged to Deposit Account No. 18-1945, from which the undersigned is authorized to draw, under Order No. ALEX-P03-060. Please charge any other fees and credit any overpayment to Deposit Account No. 18-1945.

Dated: *March 19, 2007*

Respectfully submitted,

By 
Jennifer K. Holmes
Registration No.: 46,778
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant

10413228_1

MAR 19 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bowdish et al.

Attorney Document No. ALEX-P03-060

Application No.: 10/736,188

Art Unit: 1643

Filed: December 15, 2003

Examiner: B. Duffy

For: POLYPEPTIDES AND ANTIBODIES
DERIVED FROM CHRONIC
LYMPHOCYTIC LEUKEMIA CELLS
AND USES THEREOF

Confirmation No.: 4387

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450CONSENT OF ASSIGNEE

Sir:

Assignee Alexion Pharmaceuticals, Inc., a corporation with executive offices at 352 Knotter Drive, Cheshire, Connecticut 06410, hereby consents to Petitioner/Inventor's request to amend the inventorship under 37 C.F.R. §1.48(a), to add Anke Kretz-Rommel as a co-inventor in the present application. An assignment documenting Assignee's title is recorded at Reel/Frame 015515/0316.

Respectfully submitted,
Alexion Pharmaceuticals, Inc.By: Name: Stephen P. Squinto, Ph.D.Title: Executive Vice President and Head
of ResearchDate: 1/30/07

MAR 19 2007

Attorney Docket No.: ALEX-P03-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**POLYPEPTIDES AND ANTIBODIES DERIVED FROM CHRONIC LYMPHOCYTIC
LEUKEMIA CELLS AND USES THEREOF**

the specification of which was filed on December 15, 2003 as Application No. 10/736,188.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

- ☒ no such foreign applications have been filed
- ☐ such foreign application have been filed as follows:

Attorney Docket No.: ALEX-P03-060

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/254,113	December 8, 2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☐ no such U.S./PCT applications have been filed.

☒ such U.S./PCT application have been filed as follows:

Attorney Docket No.: ALEX-P03-060

Application Number	Relationship	Parent Application	Date of Filing
This Application	Continuation-in-part	10/379,151	March 4, 2003
10/379151	Continuation-in-part	US01/47931	December 10, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 28120

all of **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

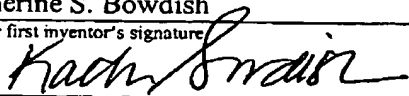
Please mail all correspondence to Anita Varma, whose address is:

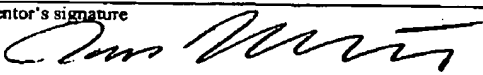
Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110-2624

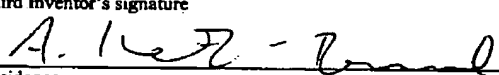
Please direct telephone calls to: Anita Varma at (617) 951-7796.

Please direct facsimiles to: (617) 951-7050

Attorney Docket No.: ALEX-P03-060

Full name of sole or first inventor Katherine S. Bowdish	
Sole or first inventor's signature 	Date 2/16/07
Residence Del Mar, California	
Citizenship US	
Mailing Address 13773 Boquita Drive Del Mar, California 92014	

Full name of second inventor, if any John McWhirter	
Second inventor's signature 	Date 2/20/07
Residence San Diego, California	
Citizenship US	
Mailing Address 9499 Questa Pointe San Diego, California 92126	

Full name of third inventor, if any Anke Kretz-Rommel	
Third inventor's signature 	Date 2/22/07
Residence San Diego, California	
Citizenship Switzerland	
Mailing Address 4535 Kensington Drive San Diego, California 92116	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

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ALEX-P03-060

ASSIGNMENT

WHEREAS, I, Anke Kretz-Rommel, together with Katherine Bowdish and John McWhirter, have invented a certain improvement in **POLYPEPTIDES AND ANTIBODIES DERIVED FROM CHRONIC LYMPHOCYTIC LEUKEMIA CELLS AND USES THEREOF** described in an application for Letters Patent of the United States, the specification of which:

- ☐ is being executed on even date herewith; and is about to be filed in the United States Patent Office;
- ☒ was filed on **December 15, 2003** as Application No. **10/736,188**
- ☐ was patented under U.S. Patent No. _____ on _____.

WHEREAS, Alexion Pharmaceuticals, Inc., (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware, having principal offices at 352 Knotter Drive, Cheshire, Connecticut 06410 desires to acquire an interest therein in accordance with agreements duly entered into with me;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, I have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, my entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with my entire right, title and interest in and to said application and such Letters Patent as may issue thereon, and any reissue, continuation, divisional and foreign counterparts thereof and including the right to claim priority under any applicable statute, treaty or convention based on said application; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment not been made; I hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent, all choses in action pertaining to the applications or Letters Patent including the right to sue for and collect damages and other recoveries for past infringement thereof, all rights to initiate proceedings before government and administrative bodies, and all files, records and other materials arising from the prosecution, exploitation, or defense of rights and registrations pertaining to the applications or Letters Patent. I hereby acknowledge that this assignment, being of my entire right, title and interest in and to said invention, carries with it the right in

ALEX-P03-060

ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, I hereby further agree for myself and my executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

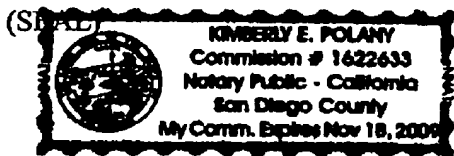
AND, I do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the date set forth below.

Inventor's Signature: A. Kretz-Rommel
Anke Kretz-Rommel

State of CA
County of San Diego)

Then personally appeared before me the above-named Anke Kretz-Rommel and acknowledged that she executed the foregoing instrument as her free act and deed this 22nd day of February, 2007.



Kimberly E. Polany
Notary Public

My commission expires 12-18-09

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Docket No.: ALEX-P03-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bowdish et al.

Confirmation No.: 4387

Application No.: 10/736,188

Group Art Unit: 1643

Filed: December 15, 2003

Examiner: B. Duffy

For: POLYPEPTIDES AND ANTIBODIES DERIVED
FROM CHRONIC LYMPHOCYTIC LEUKEMIA
CELLS AND USES THEREOF

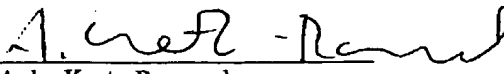
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450STATEMENT OF ANKE KRETZ-ROMMEL

Sir:

I, Anke Kretz-Rommel, residing at 4535 Kensington Drive, San Diego, California, U.S.A.,
hereby state that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application".
2. The referenced application was filed as an application of Katherine Bowdish and John McWhirter and presents claims directed to polypeptides and antibodies derived from chronic lymphocytic cells and uses thereof.
3. The inadvertent omission of my name as an inventor occurred without any deceptive intent.

The undersigned declares further that all statements made herein of her own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 2.22.07
Anke Kretz-Rommel
4535 Kensington Drive
San Diego, California 92116
United States of America